

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-297
Administrative Law Judge Division
_____, 2013

RESOLUTION

RESOLUTION ALJ-297. The appeal of Citation No. FC-557 is closed. The citation is final. (Re: Citation No. FC-557 issued to Arthur Kesablian, an Individual dba One Dream Limousine Service (TCP 09787) and One Dream Limousine Service, Inc., for violations of Pub. Util. Code §§ 1032.1, 5371, 5374(a)(1)(D), 5374(a)(1)(I), 5378.1(a), 5381, and General Order 157-D, Parts 3.01, 5.02, and 10.)

SUMMARY

The appeal filed by Arthur Kesablian is closed. The citation is final. Arthur Kesablian, an Individual dba One Dream Limousine Service (TCP 09787) and One Dream Limousine Service, Inc., shall, within 30 days from the date this resolution is issued, pay a fine of \$3,000.00.

BACKGROUND

The Commission's Safety and Enforcement Division (SED)¹ is authorized to issue citations to charter-party carriers (TCP) and other transportation carriers for violations of the Pub. Util. Code or Commission Orders. To make the citation program more comprehensive and the process more efficient, on September 22, 2005, the Commission adopted Resolution ALJ-187, which set forth new procedures governing the appeal of those citations.

On April 19, 2012, SED commenced an investigation of Arthur Kesablian, an Individual dba One Dream Limousine Service (TCP 09787) and One Dream Limousine Service, Inc.

¹ SED was formerly known as the Consumer Protection and Safety Division.

(Kesablian or One Dream),² after receiving a complaint that the permit number on the bumper of one of Kesablian's vehicles was improperly displayed, and that One Dream was employing drivers who lacked evidence of workers' compensation insurance on file with the Commission. (Violet Uduefe Direct Examination [Uduefe DE], Exhibit 2, Case Summary [CS].) SED's investigation revealed that Kesablian was operating as a TCP in violation of multiple provisions of the Charter-Party Carriers' Act (Pub. Util. Code §§ 5351, *et seq.*), Pub. Util. Code § 1032.1, and General Order 157-D.

On November 16, 2012, SED issued a *Citation for Violation of Public Utilities Code* to Kesablian, and set forth the following violations:

1. 108 counts of operating as a corporation without Commission-issued authority to conduct such operations, in violation of Pub. Util. Code § 5371;
2. Two counts of engaging employee drivers without workers' compensation insurance, or a certificate of consent to self-insure issued by the Director of Industrial Relations and on file and in effect with the Commission, in violation of Pub. Util. Code § 5378.1(a);
3. Two counts of failing to enroll employee drivers in the Department of Motor Vehicles' Employer Pull Notice Program, in violation of Pub. Util. Code § 5374(a)(1)(D) and General Order 157-D, Part 5.02;
4. Three counts of failing to enroll employee drivers in the mandatory controlled substance and alcohol testing certification program, in violation of Pub. Util. Code §§ 5374(a)(1)(I), 1032.1, and General Order 157-D, Part 10; and
5. 108 counts of failing to include required information on waybills, in violation of Pub. Util. Code § 5381 and General Order 157-D, Part 3.01.

Kesablian was called upon to answer the citation on or before November 26, 2012. He was advised that he could either pay the fine or he could contest the citation by filing an appeal.

On November 12, 2012, Keseblan filed an appeal pursuant to Resolution ALJ-187 and raised the following grounds:

² Throughout the record, Kesablian's first name is spelled both as "Arthur" and "Artur." For the sake of consistency, in this resolution we will refer to his first name as "Arthur."

1. One Dream Limousine Service operates under the name One Dream Limousine Service, Inc.;
2. Workers' compensation insurance has been in effect since 2010;
3. The California Highway Patrol (CHP) has never requested Department of Motor Vehicles' Employer Pull Notices during inspections in prior years; and
4. Employees with Class C drivers' licenses are not required to enroll in the mandatory controlled substance and alcohol testing certification program.

The citation appeal hearing occurred on March 18, 2013. SED appeared and offered into evidence the Uduefe DE, which attached the following exhibits:

Exhibit Number	Exhibit Identification
1	<i>Citation for Violation of Public Utilities Code</i> dated November 6, 2012
2	Case Summary
Attachment 1 to Case Summary	Copies of TL 706-K workers' compensation declaration forms signed by Arthur Kesablian on March 4, 2009 and May 10, 2012
Attachment 2 to Case Summary	Copy of Violet Uduefe's review letter dated May 3, 2012 and mailed to Arthur Kesablian dba One Dream Limousine
Attachment 3 to Case Summary	Copies of fifty-one waybills provided by Arthur Kesablian
Attachment 4 to Case Summary	Copy of the Acord Certificate received from Agopian Insurance Services
Attachment 5 to Case Summary	Copies of Department of Motor Vehicles (DMV) Employer Pull Notice printout dated October 31, 2012 and DMV driver record information printout for Kesablian
Attachment 6 to Case Summary	Copy of Kesablian's drug test dated May 9, 2009
Attachment 7 to Case Summary	Copies of 2008 income tax return, computer generated trip sheet, and copies of printout from the Commission showing revenue paid by Kesablian under the name One Dream Limousine
Attachment 8 to Case Summary	Copy of the California Secretary of State's

	Business Entity Detail Report for One Dream Limousine Services, Inc.
Attachment 9 to Case Summary	Copy of Acord vehicle and commercial auto driver information schedule
3	Declaration of Zulkifli Iljas, Senior Transportation Representative in the License Section of SED
4	Declaration of Wilson E. Lewis, retired Supervising Transportation Representative in the License Section of SED
5	License Fleet and Terminal Information from the CHP Commercial Records Unit
6	Safety Compliance Report/Terminal Record Update from the California Highway Patrol

The above exhibits and attachments were admitted into evidence without objection.

Kesablian appeared at the citation appeal hearing but did not cross-examine Uduefe, did not offer any evidence, and did not testify. Instead, in his closing remarks he repeated the four grounds that formed the basis of his citation appeal.

DISCUSSION

- 1. The evidence establishes that Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., violated Pub. Util. Code § 5371 on 108 occasions by operating as a corporation without Commission-issued authority.**

Pursuant to Pub. Util. Code § 5371:

No charter-party carrier of passengers excepting transit districts, transit authorities or cities owning and operating local transit systems themselves or through wholly owned nonprofit corporations shall engage in transportation services made subject to this chapter without first having obtained from the commission a certificate that public convenience and necessity require the operation, except that certain specific transportation services as defined in Section 5384 may be conducted under authority of a permit issued by the commission.

Kesablian's TCP authorization is as an individual entity, not a corporation. (Uduefe DE, ¶¶ 13-20, Exhibit 2, CS, Attachments 2, 3, 4, 7, and 8.) A search of the Commission's Licensing Section's records did not disclose any application from Kesablian to operate as a corporation. Instead, Kesablian was first issued a TCP permit to operate as an individual, dba One Dream Limousine Service, on July 20, 1995. (Uduefe DE, Exhibit 2, CS, page 9.) Yet the evidence demonstrates that Kesablian was operating his TCP business as a corporation rather than as an individual. A review of the computer generated trip sheets and the 2008 income tax return identified the filer as One Dream Limousine Service, Inc., and Kesablian was listed as an officer. (Uduefe DE, Exhibit 2, CS, page 9.) The tax return listed the gross receipts of One Dream Limousine Inc. as \$104,182. (*Id.*) In contrast, Arthur Kesablian, as an individual, reported to the Commission for 2008 gross revenues in the amount of \$79,112. (*Id.*) Finally, all 108 waybills for transportation provided between October 2011 and March 2012 showed the company as One Dream Limousine Service, Inc. (Uduefe DE, Exhibit 2, CS, page 8.) In sum, Kesablian was operating his business in a manner inconsistent with the authority granted to him by the Commission, and there was no credible explanation proffered why Kesablian lawfully operated in this manner. (Uduefe DE, ¶¶ 16-18.)

2. The evidence establishes that Arthur Kesablian, an Individual dba One Dream Service and One Dream Limousine Service, Inc., violated Pub. Util. Code § 5378.1 on two occasions by engaging employee drivers without workers' compensation insurance, or a certificate of consent to self-insure issued by the Director of Industrial Relations and on file and in effect with the Commission.

Pursuant to Pub. Util. Code § 5378.1:

- (a) Beginning July 1, 1990, and continuing thereafter, every charter-party carrier shall file with the commission one of the following:
 - (1) A certificate of workers' compensation coverage for its employees issued by an admitted insurer.
 - (2) A certification of consent to self-insure issued by the Director of Industrial Relations.
 - (3) A statement under penalty of perjury, stating that, in its operations as a charter-party carrier, it does not employ any person in any manner so as to become subject to the workers' compensation laws of this state.
- (b) The workers' compensation certified to under paragraph (1) of subdivision (a) shall be effective until canceled. Cancellation shall require 30 days' advance notice.

- (c) If, after filing the statement described in paragraph (3) of subdivision (a), the carrier becomes subject to the workers' compensation laws of this state, the carrier shall promptly notify the commission that the carrier is withdrawing its statement under paragraph (3) of subdivision (a), and shall simultaneously file the certificate described in either paragraph (1) or (2) of subdivision (a).
- (d) The commission may adopt rules and regulations that it determines to be necessary to carry out this section.

There is no evidence that Kesablian ever had workers' compensation insurance coverage for his drivers, or a certificate of consent to self-insure issued by the Director of Industrial Relations. (Uduefe DE, ¶¶ 21-23; Exhibit 3.) SED's review of Kesablian's license records showed that on March 4, 2009, Kesablian signed a form TL 706-K³ indicating that he had no employees. (Uduefe DE, Exhibit 2, CS, Attachment 1.) On May 10, 2012, Kesablian signed a form TL 706-K indicating that he had employees but did not have workers' compensation insurance on file with the Commission. (*Id.*)

On September 6, 2012, SED received and reviewed Kesablian's Acord Certificate from Agopian Insurance Services. While the Acord Certificate was supposed to confirm Kesablian's workers' compensation insurance, it revealed that the policy was issued to One Dream Limousine Services, Inc., a corporation. (Uduefe DE, ¶ 25; Exhibit 2, CS, Attachment 4.) SED also reviewed the public liability and property damage insurance from TIB Insurance Brokers that Kesablian provided. The Acord Vehicle Schedule and Commercial Auto Driver Information Schedule both listed the applicant and insured as One Dream Limousine Service, and the coverage was in effect from April 7, 2012 to April 7, 2013. (Uduefe DE, ¶ 25; Exhibit 2, CS, Attachment 9.) Thus, despite Kesablian's claim that workers' compensation insurance had been in effect since 2010, that insurance was for the corporation that had not been granted authority by this Commission to operate as a TCP. In sum, while a review of the waybills established that One Dream employed drivers Hratch Atoyan and Jose Jimenez, neither the necessary workers' compensation insurance nor self-insurance had been obtained.

- 3. The evidence establishes that Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., violated Pub. Util. Code § 5374(a)(1)(D) and General Order 157-D, Part 5.02, on two occasions by failing to enroll employee drivers in the DMV Employer Pull Notice Program.**

Pursuant to Pub. Util. Code § 5374(a)(1)(D):

³ Form TL 706-K is the Workers' Compensation Declaration.

(a)(1) Before a permit or certificate is issued or renewed, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services.

The commission shall not issue or renew a permit or certificate pursuant to this chapter unless the applicant meets all of the following requirements:

(D) It participates in a program to regularly check the driving records of all persons, whether employees or subcarriers, operating vehicles used in transportation for compensation.

Similarly, General Order 157-D, Part 5.02, provides:

Every carrier shall enroll in the "Pull Notice Program" of the Department of Motor Vehicles as defined in Vehicle Code Section 1808.1. A charter-party vehicle shall not be operated by any driver who is presumed to be a negligent operator under Vehicle Code Section 12810.5.

The importance of the Employer Pull Notice Program cannot be understated. It is one of the Commission's tools that "provides employers and regulatory agencies with a means of promoting driver safety through the ongoing review of driver records."⁴

On October 31, 2012, SED confirmed with the DMV online database that while One Dream Limousine employed and dispatched drivers named Armine Malkchyan, Jose Jimenez, and Hratch Atoyan, only Kesablian was enrolled under One Dream's Employer Pull Notice Program. (Uduefe DE, ¶¶ 28-31; Exhibit 2, CS, Attachments 3 and 5.)

Kesablian's claim that the CHP never requested DMV Employer Pull Notices is refuted by the evidentiary record. Uduefe testified that after reading Kesablian's assertion, she requested copies of the CHP inspection records entitled "Safety Compliance Report/Terminal Record Update." (Uduefe DE, ¶ 34; Exhibits 5 [CHP Report dated September 13, 2011] and 6 [CHP Report dated August 17, 2012].) The report dated September 13, 2011 provides: "Carrier does not sign and date each driver's Pull Notice Record." Clearly, the CHP was checking for the presence of the Pull Notice Program.

⁴ <http://www.cpuc.ca.gov/PUC/transportation/FAQ>.

In sum, One Dream has failed to enroll its employee drivers in the DMV Employer Pull Notice Program.

- 4. The evidence establishes that Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., violated Pub. Util. Code §§ 5374(a)(1)(I), 1032.1, and General Order 157-D, Part 10, on three occasions by failing to enroll employee drivers in the mandatory controlled substance and alcohol testing certification program.**

Pursuant to Pub. Util. Code § 5374(a)(1)(I):

(a)(1) Before a permit or certificate is issued or renewed, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services.

The commission shall not issue or renew a permit or certificate pursuant to this chapter unless the applicant meets all of the following requirements:

(I) It provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission pursuant to Section 1032.1.

Pub. Util. Code § 1032.1 provides in part:

(a) The commission shall not issue or transfer a certificate of public convenience and necessity pursuant to this article unless the applicant provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission.

(b) The commission, after considering any suggestions made by the Department of the California Highway Patrol, shall adopt a program that includes, but need not be limited to, all of the following requirements:

(1) Drivers shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Drivers shall test negative for these controlled substances and for alcohol at such other times as the commission, after consulting the Department of the California Highway Patrol, shall designate. As used in this

section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

Finally General Order 157-D, Part 10 states:

All charter-party carrier applicants (new and renewal) who propose to employ any driver who will operate a vehicle having a seating capacity of 15 persons or less, including the driver, must provide for a mandatory controlled substance and alcohol testing certification program for those drivers as required by this General Order unless all such drivers are already covered by federal testing regulations. Charter-party carriers who employ any driver who operates a vehicle with a seating capacity of 16 persons or more, including the driver, must comply with the federal regulations concerning controlled substance and alcohol testing for those drivers.

SED's review of Kesablian's records showed that Jesse Pallugna of Alcor Limousine and Transport Drug Testing Center (Alcor) was One Dream's drug and alcohol consortium. (Uduefe DE, Exhibit 2, CS, pages 5 and 6.) While Kesablian produced documentation that he had been drug tested on May 9, 2009, he could not produce any additional records to demonstrate that he had been randomly drug tested since 2009. (Uduefe DE, ¶ 41.) On September 6, 2012, SED spoke with Alcor and learned that Kesablian was the only One Dream driver who had been enrolled in the pre-employment drug testing program. (Uduefe DE, Exhibit 2, CS, page 6.)

Kesablian tried to rebut this charge by claiming that drivers with Class C licenses are not required to enroll in the mandatory controlled substance and alcohol testing certification program. But Kesablian cited no authority for this position and, in fact, neither Pub. Util. Code §§ 5374(a)(1)(I), 1032.1, nor General Order 157-D, Part 10, provide any such exception for drivers with Class C licenses. Indeed, it would be counterproductive to our stated goals of safety and consumer protection to allow passengers to get into vehicles with drivers who had not been tested for drugs and alcohol. In sum, Kesablian has failed to enroll his employee drivers in the mandatory controlled substance and alcohol testing certification program.

- 5. The evidence establishes that Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., violated Pub. Util. Code § 5381 and General Order 157-D, Part 3.01, on 108 occasions by failing to include required information on waybills.**

Pursuant to Pub. Util. Code § 5381.5:

The commission shall, by rule or other appropriate procedure, ensure that every charter-party carrier of passengers operates on a prearranged basis within the state, consistent with Section 5360.5. The commission shall require every charter-party carrier of passengers to include on a waybill or trip report at least all of the following:

- (a) The name of at least one passenger in the traveling party, or identifying information of the traveling party's affiliation, along with the point of origin and destination of the passenger or traveling party.
- (b) Information as to whether the transportation was arranged by telephone or written contract.
- (c) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

Similarly, General Order 157-D, Part 3.01, provides that TCPs are required to operate on a prearranged basis. Carriers are required to possess a waybill for each transportation service containing the following information:

- Name of carrier and TCP number.
- Vehicle license plate number.
- Driver's name.
- Name and address of person requesting or arranging the charter.
- Time and date when charter arranged.
- Whether the transportation was arranged by telephone or written contract.
- Number of persons in the charter group.
- Name of at least one passenger in the traveling party, or identifying information of the traveling party's affiliation.
- Points of origination and destination.

The waybill must be produced for inspection upon the request of a Commission representative, an airport enforcement officer, or authorized city or county official.

Every TCP is required to maintain a set of records, including waybills, and maintain the records for a minimum period of three years.

On June 12, 2012, Uduefe and Mariam Yani went to Kesablian's home and were presented with 108 waybills. Later analysis of the waybills revealed:

- Several waybills had different days of operation where carriers had more than one trip scheduled with overlapping times;
- 27 waybills had no license plate information listed;
- All of the waybills were missing information explaining how the charter had been arranged;
- All of the waybills were missing times and dates that charters had been arranged;
- 40 waybills were missing points of origin and destination;
- 14 waybills were blank with no driver's name listed; and
- One waybill showed that the vehicle used was a Rolls Royce but Kesablian did not list that make or model of vehicle on the equipment list filed with the Commission. (Uduefe DE, ¶¶ 43-45; Exhibit 2, CS, pages 3, 4, and 6-9; and Attachment 3.)

In sum, Kesablian has failed to include the required information on his waybills.

6. A fine of \$3,000.00 should be imposed on Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc.

SED seeks the imposition of a fine in the amount of \$3,000.00 pursuant to Pub. Util. Code § 5413. Pursuant to Pub. Util. Code § 5415, every violation of the Passenger Charter-Party Carriers' Act is a separate and distinct offense. In the case of a continuing violation, each day's continuance is a separate and distinct offense.

SED seeks the imposition of a fine in the amount of \$3,000.00 for 223 counts of violating the Passenger Charter-Party Carriers' Act, Public Util. Code § 1032.1, and General Order 157-D. (Uduefe DE, ¶¶ 46-48.) As authority for the fine, SED cites to Pub. Util. Code § 5413. (*Id.*) While § 5413 permits a penalty of up to \$2,000.00 per offense, SED's Transportation Enforcement Branch Management also uses guidelines to determine the appropriate fine and takes into account the nature of the violations, the TCP's revenue, the fleet size, the egregiousness of the violations, penalties paid by similar TCPs, and the TCP's willingness to cooperate with the Commission. (Uduefe DE, ¶ 47.) Based on

its review of the law and its guidelines, SED has determined that a \$3,000.00 fine is an appropriate amount.

We agree with this determination given the size of One Dream's business operation. Kesablian employs six workers (Arthur Kesablian, Hratch Atoyan, Vagram Gegdzhyan, Jose Jimenez, Oscar Marquez, Davit Volodyayevich, and Armine Malkchyan) who drive five vehicles. (Uduefe DE, Exhibit 2, CS, pages 1, 10, and 11.) Based on the tax returns provided, the revenues range from \$79,112 to \$104,182. If we were to impose the maximum fine of \$2,000.00 for each offense (203) the total fine would amount to \$406,000.00 (\$2,000.00 x 203), which is roughly four times the amount of One Dream's gross revenues. As the purpose of the fine is to punish the violator and to modify conduct throughout the industry, we believe that the lesser fine is reasonable.

The proposed fine is also consistent with the amounts that have been imposed on other transportation carriers that have been found liable for similar offenses. We have reviewed the past 611 field citations and the fines have ranged from a low of \$500.00 to a high of \$5,000.00. Thus, the proposed \$3,000.00 fine fits within the range of fines previously approved by this Commission.

We are also persuaded that the fine amount is appropriate in light of the fact that Kesablian did cooperate with SED's investigators. He came to the Commission's Los Angeles and met with Uduefe and her supervisor, Deborah Zundel. Uduefe and Mariam Yani went to Kesablian's residence wherein they were able to review Kesablian's transportations records, including the 108 waybills. Other conversations between Kesablian and Uduefe occurred telephonically over the course of the investigation. (Uduefe DE, Exhibit 2, CS, *passim*.)

COMMENTS

The proposed resolution of the ALJ Division in this matter was mailed in accordance with Section 311 of the Public Utilities Code and Rule 14.2(d)(3) of the Commission's Rules of Practice and Procedure. No comments were filed.

FINDINGS

1. On April 19, 2012, SED commenced an investigation of Kesablian's business after receiving a complaint that the permit number on the bumper of one of Kesablian's vehicles was improperly displayed, and that One Dream was using drivers who lacked evidence of workers' compensation insurance on file with the Commission.

2. On November 16, 2012, SED issued a *Citation for Violation of Public Utilities Code* to Arthur Kesablian, an Individual dba One Dream Service (TCP 09787) and One Dream Limousine Service, Inc., and set forth the following violations:
 - 108 counts of operating as a corporation without Commission-issued authority to conduct such operations, in violation of Pub. Util. Code § 5371;
 - Two counts of engaging employee drivers without Workers' Compensation Insurance or a certificate of consent to self-insure issued by the Director of Industrial Relations and on file and in effect with the Commission, in violation of Pub. Util. Code § 5378.1(a);
 - Two counts of failing to enroll employee drivers in the Department of Motor Vehicles' Employer Pull Notice Program, in violation of Pub. Util. Code § 5374(a)(1)(D) and General Order 157-D, Part 5.02;
 - Three counts of failing to enroll employee drivers in the mandatory controlled substance and alcohol testing certification program, in violation of Pub. Util. Code §§ 5374(a)(1)(I), 1032.1, and General Order 157-D, Part 10; and
 - 108 counts of failing to include required information on waybills, in violation of Pub. Util. Code § 5381 and General Order 157-D, Part 3.01.
3. Kesablian was called upon to answer the citation on or before November 26, 2012. He was advised that he could either pay the fine or he could contest the citation by filing an appeal.
4. On November 12, 2012, Keseblian filed an appeal pursuant to Resolution ALJ-187 and raised the following grounds:
 - One Dream Limousine Service operates under the name One Dream Limousine Service, Inc.;
 - Workers' compensation insurance has been in effect since 2010;
 - The California Highway Patrol has never requested Department of Motor Vehicle Employer Pull Notices during inspections in prior years; and
 - Employees with Class C drivers' licenses are not required to enroll in the mandatory controlled substance and alcohol testing certification program.

5. The citation appeal hearing occurred on March 18, 2013. SED appeared and offered into evidence the direct examination of Violet Uduefe. Uduefe's direct examination, along with the exhibits and attachments thereto, were entered into evidence without objection.
6. Kesablian appeared at the citation appeal hearing but did not cross-examine Uduefe, did not offer any evidence, and did not testify. Instead, in his closing remarks he repeated the four grounds that formed the basis of his citation appeal.

CONCLUSIONS OF LAW

1. Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., violated Pub. Util. Code § 5371 on 108 occasions by operating as a corporation without Commission-issued authority.
2. Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., violated Pub. Util. Code § 5378.1 on two occasions by engaging employee drivers without workers' compensation insurance, or a certificate of consent to self-insure issued by the director of Industrial Relations and on file and in effect with the Commission.
3. Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., violated Pub. Util. Code § 5374(a)(1)(D) and General Order 157-D, Part 5.02, on two occasions by failing to enroll employee drivers in the Department of Motor Vehicles' Employer Pull Notice Program.
4. Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., violated Pub. Util. Code §§ 5374(a)(1)(I), 1032.1, and General Order 157-D, Part 10, on three occasions by failing to enroll employee drivers in the mandatory controlled substance and alcohol testing certification program.
5. Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., violated Pub. Util. Code § 5381 and General Order 157-D, Part 3.01, on 108 occasions by failing to include required information on waybills.
6. Citation FC-557 should be made final and Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., should pay a fine of \$3,000.00.
7. The appeal should be closed.

8. Within 30 days of the date this resolution is issued, Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., should pay the fine of \$3,000.00. The check should be made payable to the California Public Utilities Commission and mailed to the Commission's Fiscal Office, 505 Van Ness Avenue, San Francisco, California 94102. Upon payment, the fine should be deposited into the State Treasury to the credit of the General Fund.

THEREFORE, **IT IS ORDERED** that:

1. Citation No. FC-557 is final.
2. Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., shall pay the fine of \$3,000.00 within 30 days of the date this resolution is issued.
3. The check shall be made payable to the California Public Utilities Commission and mailed to the Commission's Fiscal Office, 505 Van Ness Avenue, San Francisco, California 94102.
4. If Arthur Kesablian, an Individual dba One Dream Limousine Service and One Dream Limousine Service, Inc., fails to pay the fine as provided herein, the Commission's Safety Enforcement Division shall take any and all action provided by law to recover the unpaid fine and ensure compliance with all applicable statutes and Commission orders.
5. The appeal of Citation No. FC-557 is closed.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on _____, the following Commissioners voting favorably thereon:

PAUL CLANON
Executive Director

Service list

(FC-557)

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